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09/835,237	04/13/2001	Robert Van Kommer	33226	6191

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EXAMINER
VO, HUYEN X

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/835,237	KOMMER, ROBERT VAN
	Examiner	Art Unit
	Huyen X. Vo	2655

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 July 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant has submitted an amendment, filed 7/22/2005, amending the base

claims, while arguing to traverse prior art rejection based on a limitation regarding

"uploading a plurality of interactive voice response applications" (page 12 of the

Arguments/Remarks section). Applicant also argues to traverse prior art rejection

based a limitation regarding *"said common speech recognition module comprises a*

common user profile database including user preference" (page 13 of the

Arguments/Remarks section). Applicant's arguments have been fully considered but

they are not persuasive. Lockwood (US 5576951) fully anticipates these limitations in

that "the processing unit 222 operates in response to program instructions for

performance of product and service calculations in response to customer information

and orders received from any of the stations, to send audio-visual product and service

data to the respective stations" (*col. 19, lines 20-24, audio response was included*).

Lockwood further teaches a common speech recognition (*col. 17, lines 9-50*) and user

profile (*element 223 in figure 12*).

2.   Applicant has not challenged the Official Notice taken in the last office action with

regard to the feature of claim 28 hence this is now applicant's admitted prior art.

3.   In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

4.   Objection to claim 14 has been withdrawn.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-5, 20-23, 27, 30-34, 44-47, 51(30-34), and 51(44-47) are rejected under

35 U.S.C. 102(e) as being anticipated by Lockwood (US 5576 951).

7.   Regarding claims 1, 30, and 51(30), Lockwood discloses a voice portal hosting

system, intended to be connected to a first voice telecommunication network in order for

a plurality of users in said network to establish a connection with the system using voice

equipment, said system comprising: a memory in which a plurality of interactive voice

response applications providing interactive response functionality is stored (*memory in*

figure 12 for storing audio-visual data sources, transitory data sources, and customer's

profile); and uploading means for independently uploading said plurality of interactive

voice response applications through a second telecommunication network by a plurality

of independent value-added service providers (*col. 19, lines 13-30 together with col. 20,*

lines 6-10, each independent service providers periodically send their service updates

to the central hosting system), wherein at least a plurality of said plurality of interactive

voice response applications uses a common speech recognition module run on said

system (*col. 17, lines 18-25, speech recognizer interprets input speech commands*),

and further wherein said system is adapted to execute said voice response application

when one of said users calls said system (*the operation of figure 12, particularly*

synthesizer 221).

8.   Regarding claims 2-5, 31-34, and 51(31-34), Lockwood further discloses the

voice portal hosting system, wherein said common speech recognition module

comprises a common user profile database (*element 223 in figure 12*), and wherein said

common user profile database includes user preferences (*element 223 in figure 12*),

and wherein said user preferences include a delivery address for goods and/or services

ordered with said value-added service providers (*element 223 in figure 12 and/or col.*

21, lines 59-67), and wherein said user preferences include a billing address and/or

preferences for goods and services ordered with said value-added service providers

(*element 223 in figure 12 and/or col. 21, lines 59-67*).

9.   Regarding claims 20-23, 44-47, and 51(44-47), Lockwood further discloses the voice portal hosting system, wherein at least a plurality of said interactive voice response applications use a common billing module and a common clearing center for dispatching the collected amounts to said value-added service providers (*referring to figures 13-16 and/or col. 21, line 25 to col. 23, line 13*), wherein said common billing module allows for the billing of transactions between said users and said value-added service providers on a common bill prepared by the operator of said voice portal hosting system (*referring to figures 13-16 and/or col. 21, line 25 to col. 23, line 13*), and wherein at least a plurality of said users have a deposit account on said voice portal hosting system which can be used for transactions with a plurality of said value-added service providers (*referring to figures 13-16 and/or col. 21, line 25 to col. 23, line 13*), and wherein at least a plurality of said interactive voice response applications use a user authentication module based on an electronic signature and/or on biometric parameters of said users (*col. 19, lines 46-49*).

10.   Regarding claim 27, Lockwood further discloses the voice portal hosting system of claim 1, wherein at least one free interactive voice response application is made available by the operator of said system (*figure 12, user's input speech commands*).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 6-12, 15, 18-19, 29, 35-39, 42-43, 50, 51(35-39), 51(42-43), and 51(50) are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (US 5576 951) in view of Maes (US 6073101).

13.   Regarding claims 29, 50, and 51(50), Lockwood discloses a voice portal hosting system, intended to be connected to a first voice telecommunication network in order for a plurality of users in said network to establish a connection with said system using a voice equipment (*figure 12*), said system comprising a memory (*memory in figure 12 for storing audio-visual data sources, transitory data sources, and customer's profile*) in which a plurality of interactive voice response applications providing interactive voice response functionality have been independently uploaded through a second telecommunication network by a plurality of independent value-added service providers (*col. 19, lines 13-30 together with col. 20, lines 6-10, each independent service providers periodically send their service updates to the central hosting system*), wherein at least a plurality of said interactive voice response applications uses a common speech recognition module run on said system (*col. 17, lines 18-25, speech recognizer interprets input speech commands*), wherein said common speech recognition module comprises a common user profile database including user preferences (*element 223 in figure 12*), and further wherein said system is adapted to execute said voice response

application when one of said users calls said system (*the operation of figure 12,*

particularly synthesizer 221).

Lockwood fails to specifically disclose that common speech recognition module

further uses common user-specific speech models, wherein said system further

comprises means for adapting said common speech models associated to a user during

each dialogue between said user and each of said interactive voice response

applications. However, Maes teaches a common speech recognition module further

uses common user-specific speech models (*col. 6, line 47 to col. 7, line 10*), wherein

said system further comprises means for adapting said common speech models

associated to a user during each dialogue between said user and each of said

interactive voice response applications (*col. 5, lines 1 to col. 6, line 67*).

Since Lockwood and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Lockwood by incorporating the teaching of Maes in order to improve

speech recognition accuracy.

14.   Regarding claims 6-8, 35-36, and 51(35-36), Lockwood fails to specifically

disclose the voice portal hosting system, wherein said common speech recognition

module uses user-specific speech models, means for adapting said common speech

models associated to a user during each dialogue between said user and each of said

interactive voice response applications, and wherein said means for adapting said

common speech models uses recorded users' speech samples for adapting said

common speech models off-line. However, Maes teaches speech recognition module

using user-specific speech models (*col. 6, line 47 to col. 7, line 10*), means for adapting

said common speech models associated to a user during each dialogue between said

user and each of said interactive voice response applications (*col. 5, lines 1 to col. 6,*

line 67), and wherein said means for adapting said common speech models uses

recorded users' speech samples for adapting said common speech models off-line (*col.*

5, lines 1 to col. 6, line 67).

Since Lockwood and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Lockwood by incorporating the teaching of Maes in order to improve

speech recognition accuracy.

15.   Regarding claims 9-10, Lockwood fails to specifically disclose the voice portal

hosting system of claim 1, wherein said common speech recognition module uses

Hidden Markov Models, and further comprising a Hidden Markov Models adaptation

module for adapting said models to said user, and wherein said Hidden Markov

Models adaptation module allows for an incremental adaptation of said models.

However, Maes teaches a common speech recognition module uses Hidden Markov

Models, and further comprising a Hidden Markov Models adaptation module for

adapting said models to said user (*col. 6, lines 40-60*), and wherein said Hidden Markov

Models adaptation module allows for an incremental adaptation of said models (*col. 5,*

lines 1 to col. 6, line 67).

Since Lockwood and Maes are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Lockwood by incorporating the teaching of Maes in order to improve speech recognition accuracy.

16.   Regarding claims 11-12, 37-38, and 51(37-38), Lockwood fails to specifically disclose the voice portal hosting system, wherein said common speech recognition module uses user-specific language models, and means for adapting said common language models associated to a user during each dialogue between said user and each of said interactive voice response applications. However, Maes teaches a common speech recognition module uses user-specific language models (*col. 5, lines 1 to col. 6, line 67*), and means for adapting said common language models associated to a user during each dialogue between said user and each of said interactive voice response applications (*col. 5, lines 1 to col. 6, line 67*).

Since Lockwood and Maes are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Lockwood by incorporating the teaching of Maes in order to improve speech recognition accuracy.

17.   Regarding claims 15, 18-19, 39, 42-43, 51(39), and 51(42-43), Lockwood fails to specifically disclose the voice portal hosting system, wherein at least a plurality of said interactive voice response applications use a common user identification module run on

said system, wherein said user identification module uses a voice-based user

identification module, wherein said common speech recognition module uses a

speaker-dependant speech recognition algorithm, and wherein said speaker is identified

by said common user identification module. However, Maes further teaches that at

least a plurality of said interactive voice response applications use a common user

identification module run on said system, wherein said user identification module uses a

voice-based user identification module, wherein said common speech recognition

module uses a speaker-dependant speech recognition algorithm, and wherein said

speaker is identified by said common user identification module (*referring to the*

operation of figure 1 and/or col. 5, line 1 to col. 6, line 67).

Since Lockwood and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Lockwood by incorporating the teaching of Maes in order to identify

the user and the user's profile for used by the speech recognition to improve speech

recognition accuracy.

18.   Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lockwood (US 5576951) in view Beyda et al. (US 6487277).

19.   Regarding claims 13-14, Lockwood fails to specifically disclose a voice portal

hosting system of claim 1, wherein said common speech recognition module uses

selections previously made by said users, and wherein said selections previously made

by said users are stored in said voice portal hosting system for improving the

arborescence of the menus. However, Beyda et al. teach common speech recognition

module uses selections previously made by said users, and wherein said selections

previously made by said users are stored in said voice portal hosting system for

improving the arborescence of the menus (see abstract).

Since Lockwood and Beyda et al. are analogous art because they are from the

same endeavors, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Lockwood by incorporating the teaching of Beyda et al. in

order to tailor the presentation order to the needs of each individual user to improve

system's efficiency.

20.   Claims 24-26, 28, 48-49, and 51(48-49) are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lockwood (US 5576951).

21.   Regarding claims 24-25, 48, and 51(48) Lockwood further discloses a first and

second telecommunication networks (figure 12), but fails to specifically disclose the

voice portal hosting system of claim 1, wherein said second telecommunication network

is a TCP/IP network, wherein at least some of said interactive voice response

applications are described with Voice extensible Markup Language documents.

However, TCP/IP network and VoiceXML are well known in the art. It would have been

obvious to one of ordinary skill in the art at the time of invention to include TCP/IP

network and VoiceXML in the teaching of Lockwood to improve telecommunication efficiency.

22.   Regarding claims 26, 49, and 51(49), Lockwood further discloses the voice portal hosting system of claim 25, wherein a compilation module run on said system compiles said interactive voice response applications (*the operation of figure 12*).

23.   Regarding claim 28, Lockwood fails to specifically disclose that the voice portal hosting system of claim 27, wherein said free interactive voice response application includes a free directory assistance service. However, applicant's admitted prior art discloses that voice directory assistance service is well known in the art. The advantage of the service is to enable a remote user to locate and/or reach a particular called person with the help of the voice directory assistance service.

24.   Claims 16-17, 40-41, 51(40-41) are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (US 5576 951) in view of Woods et al. (US 6510417).

25.   Regarding claims 16-17, 40-41, and 51(40-41), Lockwood fails to specifically disclose that the user identification module uses an identification of the equipment used by said user in said first telecommunication network, and being operated by a telecom operator of said first telecommunication network, wherein said user identification module uses an identification of the equipment used by said user in said first

telecommunication network even when said identification is not available for the other B-subscribers of said first telecommunication network. However, Woods et al. teach that the user identification module uses an identification of the equipment used by said user in said first telecommunication network, and being operated by a telecom operator of said first telecommunication network, wherein said user identification module uses an identification of the equipment used by said user in said first telecommunication network even when said identification is not available for the other B-subscribers of said first telecommunication network (col. 24, lines 39-41).

Since Lockwood and Woods et al. are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Lockwood by incorporating the teaching of Woods et al. in order to allow the system to automatically authenticate users based on their phone numbers by using caller-ID procedure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631.

The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

W. R. YOUNG
PRIMARY EXAMINER

HXV   9/8/2005

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